

Region 9 Enforcement Division INSPECTION REPORT

Inspection Date:	04/04/16			Inspection Announced: Yes			
Media:	FIFRA						
Company Name:	Office of the County Council, County of Kauai						
Facility Physical Location:	4396 Rice Street, Suite 2		cirrey or	Radai			
	Lihue, HI 96766						
Mailing address:	Same						
Facility/Site Contact:	Gary L. Hooser, Council	Membei	r ((808) 241-	4096		
			1	ghooser@l	kauai.gov		
					•		
Facility/Site Identifier: N/A							
Facility/Site Personnel Participa	ating in Inspection:						
Gary L. Hooser	Councilmember		(808)	808) 241-4096			
Inspector(s):							
	Signature:	Signature: MAP			Date:		
Amy C. Miller-Bowen					5/4/16		
	ENF 1		Enforcement Officer		(415) 947-4198		
Scott McWhorter	ENF-3-3 Enforcement Officer			Officer	(415) 972-3584		
Additional Persons Participating	g in Inspection:						
Supervisor Review:			,		•		
	Signature:				Date:		
Roberto Rodriguez	M. M. Mayang			5/4/16			
	ENF 3-3 // / Manager				(415) 972-3302		

SECTION I – INTRODUCTION

Purpose of the Inspection

The purpose of the inspection was to follow-up on Hawaii Department of Agriculture's high level episode investigation concerning a January 20, 2016 episode where farmworkers entered a pesticide treated field at Syngenta's operations in Kekaha, HI and resulted in 10 farmworkers being treated at a nearby hospital. This Federal Insecticide Fungicide and Rodenticide Act (FIFRA) inspection was for-cause.

Opening Conference

I, Amy C. Miller-Bowen, along with U.S. EPA Region 9 Enforcement Officer, Scott McWhorter, arrived at the Office of County Council, County of Kauai on the morning of April 4, 2016, for an announced inspection. Upon arrival, I asked to speak to Gary Hooser, Council Member. We were directed to a conference room where Mr. Hooser joined us. We presented our credentials and announced the reason for our visit. I explained we were conducting a for-cause follow-up investigation concerning an episode on January 20, 2016 where farmworkers entered a pesticide treated field at Syngenta's operations in Kekaha, HI and resulted in 10 farmworkers being treated at a nearby hospital. Mr. Hooser signed the Notice of Inspection (Appendix 1) and Scott gave him a copy.

Facility Description

The inspection took place at the Kauai County building where we interviewed Mr. Hooser.

SECTION II – OBSERVATIONS

We asked Mr. Hooser if he would like to provide us any information concerning the episode on January 20, 2016 where farmworkers entered a pesticide treated field at Syngenta's operations in Kekaha, HI and resulted in 10 farmworkers being treated at a nearby hospital. Mr. Hooser gave us some background on his concerns about pesticides, seed companies and the Hawaii Department of Agriculture. He explained that after the episode he submitted an information request to Kauai Veterans Memorial Hospital where the 10 farmworkers were treated on January 20, 2016. He requested any documents including minutes of any meetings held where the reported pesticide exposure of January 20, 2016 or related issues were discussed. He provided us a copy of his request and the documents he received from the hospital (Appendix 2). He indicated that he anticipates getting another document in the future from the hospital and will send a copy to our office.

SECTION III – AREAS OF CONCERN

As this inspection is part of a larger FIFRA investigation, areas of concern will be discussed in the April 5, 2016 FIFRA inspection report concerning Syngenta Hawaii, LLC.

Closing Conference

Following the interview, Scott filled out a receipt for samples that listed the documents to be received during the inspection. Mr. Hooser signed the Receipt for Samples (Appendix 3) and Scott gave him a copy. This concluded the inspection.

SECTION IV – SAMPLING ACTIVITIES AND ANALYTICAL RESULTS

N/A

SECTION V – DOCUMENTS REQUESTED AFTER THE INSPECTION

N/A

SECTION VI – LIST OF APPENDICES

Appendix 1 – Notice of Inspection (Form 3540-25)

Appendix 2 – Request to Access A Government Record, dated March 15, 2016 (2 pages); Kauai Region West Kauai Medical Center Letter to Gary Hooser, dated March 31, 2016 (1 page); Influx Chemical Exposure Critique, dated January 22, 2016 (2 pages); ED Patient Influx(Actual) January 20, 2016 (2 pages).

Appendix 3 – Receipt for Samples (Form 3540-26)



United States ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Notice of Pesticide Use/Misuse Inspection

Office of Enforcement and Compliance Assurance

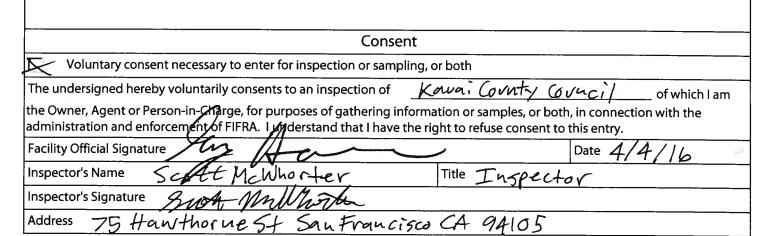
Facility Name Kanai County Council	Facility Address 4396 Rice St. #209 Linue, HI 96766	
Name of Facility Official	Title	_
Councilmember Gary L. Hooser	Councilmember	

Reason for Inspection

For the purpose of inspecting sites where pesticides are being used, to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act; and for the purpose of inspecting sites where pesticides have been used to determine whether the pesticides were used in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act.

Violation suspected:

For Cause, In response to an incident at Syngenta Hawaii, LLC. on 01/20/16 regarding early entry into Field 25,



03-16-2016

REQUEST TO ACCESS A GOVERNMENT RECORD

This is a model form that may be used by a Requester to provide sufficient information for arragency to process a record request. Although the Requester is not required to use this form or to provide any personal information, the agency needs enough information to contact the Requester with questions about this request or to provide its response. This request may not be processed if the agency has insufficient information or is unable to contact the Requester.

DATE:

03/15/2016

TO:

Kaua'i Veterans Memorial Hospital also known as West Kaua'i Medical Center

Agency that Maintains the Government Record

Peter Klune, Regional Chief Executive Officer

Kaua'i Veterans Memorial Hospital

Post Office Box 337 Waimea, Hawai'i 96796

Agency's Contact Information

FROM:

Gary L. Hooser, Kaua'i County Councilmember

Requester's Name or Alias

(808) 241-4188 or ghooser@kauai.gov

Requester's Contact Information

AS THE REQUESTER, I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the requested government record will prevent delays in locating the record. Attach additional pages if needed.

- 1. Minutes of any meetings held in which the "reported pesticide exposure of 1/20/16 which resulted in an influx of patients in [KVMH's] Emergency Department" or related issues were discussed between January 20, 2016 and the date of this request.
- 2. Full documentation (not a summary) of any meeting held in which the "reported pesticide exposure of 1/20/16 which resulted in an influx of patients in [KVMH's] Emergency Department" or related issues were discussed between January 20, 2016 and the date of this request, in which:
 - a. Those in attendance were listed and included KVMH staff and Syngenta employees;
 - b. There was a discussion of the incident that occurred on January 20, 2016 involving Syngenta employees and exposure to "chlorpyrifos";
 - c. Recommendations and/or actions were discussed;
 - d. The meeting was both "called to order" and "adjourned" indicating this was a formal meeting; and
 - e. A written record of the meeting was prepared by an administrative employee of KVMH.

JA:mn

***I am requesting a \$60 fee waiver in the public interest in my capacity as a member of the Kaua'i County Council. This information is necessary for me to perform my official duties.

<u>I WO</u>	ULD LIKE: (Please check one or more of the opti	ons below, as applicable)		
□.	To inspect the government record A copy of the government record: (Please check of information about fees and costs that you may be record request. Note: Copying and transmission characteristics.)	required to pay for agency services to process your		
	☐ Pick up at agency (date and time): ☐ Mail (address):			
	E-mail (address): (1) ghooser@kauai.gov A	ND (2) jagas@kauai.gov		
	Fax (toll free and only if available; provide fax Other, if available (please specify):			
\boxtimes	If the agency maintains the records in a form other th	an paper, please advise in which		
	format you would prefer to have the record.			
	☐ Electronic ☐ Audio ☐ Other (please	e specify):		
\boxtimes	Check this box if you are attaching a request for w (See waiver information on next page). ***See req	~		
FEES FOR PROCESSING PUBLIC RECORD REQUESTS You may be charged fees for the services that the agency must perform when processing your request for public records, including fees for making photocopies and other lawful fees. The first \$30 of fees charged for searching for a record, reviewing, and segregating will not be charged to you. Any amount over \$30 will be charged to you. Fees are as follows:				
	Search for a Record	\$2,50 for 15 minutes		
	Review and Segregation of a Record	\$5.00 for 15 minutes		

Generally, no search, review, and segregation fees may be charged if you are making a request for personal records that are about you.

WAIVER OF FEES IN THE PUBLIC INTEREST

As an alternative to the \$30 fee waiver (not in addition to), the agency may waive the first \$60 of fees for searching for, reviewing and segregating records when the waiver would serve the public interest. If you wish to apply for a waiver of fees in the public interest, you must attach to this request a statement of facts, including your identity as the requester, to show how the waiver of fees would serve the public interest. The criteria for this waiver, found at section 2-71-32, Hawaii Administrative Rules, are

- (1)The requested record pertains to the operations or activities of an agency;
- (2)The record is not readily available in the public domain; and
- (3) The requester has the primary intention and the actual ability to widely disseminate information from the government record to the public at large.

COSTS

The Agency may charge you any other lawful fees and the costs to copy and deliver your personal or public record request.

AGENCY RESPONSE TO YOUR REQUEST FOR ACCESS

The agency to which you addressed your request must respond within a set time period. The agency will normally respond to you within 10 business days from the date it receives your request; however, in extenuating circumstances, the agency must respond within 20 business days from the date of your request. If you have questions about the response time or the records being sought, you should first contact the agency and request to consult with the agency's UIPA contact person.

Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies and a requester must seek records directly from the agency. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at 808-586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

REQUESTER'S RESPONSIBILITIES

You have certain responsibilities under section 2-71-16, Hawaii Administrative Rules, which include making arrangements to inspect and copy records, providing further clarification or description of the requested record as instructed by the agency's notice, and making a prepayment of fees and costs, if assessed. The rules and additional training materials are available online at oip.hawaii.gov or from OIP.



KAUAI REGION

WEST KAUAI MEDICAL CENTER

(DBA KAUAI VETERANS MEMORIAL HOSPITAL AND WAIMEA & PORT ALLEN CLINICS)

MAHELONA MEDICAL CENTER

(DBA SAMUEL MAHELONA MEMORIAL HOSPITAL)

WEST KAUAI CLINIC - KALAHEO

HAWAII HEALTH SYSTEMS CORPORATION

Peter Klune Regional CEO - Kauai

VIA ELECTRONIC MAIL ghooser@kauai.gov and jagas@kauai.gov

March 31, 2016

Councilmember Gary L. Hooser Kauai County Council 4396 Rice Street, Suite 209 Lihue, HI 96766

RE: Notice regarding Request to Access a Government Record dtd 3/15/16, rcvd 3/16/16

Dear Councilmember Hooser:

I am writing in response to the above-referenced UIPA Request, attached. Your request for a fee waiver in the public interest has been approved.

We are providing the following documents in response to your Request:

- 1. ED Patient Influx FINAL Redacted
- Influx Critique Meeting Summary Jan 22 2016 FINAL
- 3. Open Session minutes of the February 2, 2016 and March 1, 2016 meeting(s) of the Kauai Regional System Board of Directors, Hawaii Health Systems Corporation (these will be forwarded to you when finalized).

Your Request will be denied in part as to:

- 1. Executive Session minutes and drafts of internal memoranda (Hawaii Revised Statutes §92F-13(3)); and
- 2. Open Session minutes of meetings of the Kauai Regional System Board of Directors, Hawaii Health Systems Corporation that are not yet finalized (Hawaii Revised Statutes §92F-13(3)).

Your Request cannot be granted in part as to:

1. Documents we do not maintain (Hawaii Revised Statutes §92F-3).

KVMH • P.O. BOX 337 • WAIMEA, HAWAII 96796 • PHONE: (808) 338-9431 • FAX: (808) 338-9420

WAIMEA & PORT ALLEN CLINICS, WEST KAUAI CLINIC - KALAHEO
P.O. BOX 669 • WAIMEA, HAWAII 96796 • PHONE: (808) 338-8311 • FAX: (808) 338-0225

If you have any questions, please feel free to contact Mrs. Mary Ephan at (808) 338-9423.

Sincerely,

Peter Klune

Regional CEO - Kauai

/bmd

Encl: Request to Access a Government Record dated 3/15/16, received 3/16/16

ED Patient Influx_FINAL_Redacted

Influx Critique Meeting Summary_Jan 22 2016_FINAL



KAUAI REGION

WEST KAUAI MEDICAL CENTER

(DBA KAUAI VETERANS MEMORIAL HOSPITAL AND WAIMEA & PORT ALLEN CLINICS)

MAHELONA MEDICAL CENTER

(DBA SAMUEL MAHELONA MEMORIAL HOSPITAL)

WEST KAUAI CLINIC - KALAHEO

HAWAII HEALTH SYSTEMS CORPORATION

Peter Klune Regional CEO - Kauai

INFLUX CHEMICAL EXPOSURE CRITIQUE

Date: January 22, 2016

Time: 1430 hrs.

Place: KVMH Conference Room C

IN ATTENDANCE				
Mary Ephan, RN, AACNE	Lisa Johnsoy, EMT			
Cheryl Tennberg, RN, ADON	Jeremy Hausam, Syngenta			
R. Wayne Fukino, MD – ED MD	Joshua Uyehara, Syngenta Site Manager			
Angelita Castro, RN, QA/RM	Cory Todd, AMR paramedic			
John Pimental, Facilities Superintendent, Safety	Beth Tokioka, Syngenta			
Richard Moore, RN – ED RN	Vivian Duldulao, recorder			

DISCUSSION

R. Wayne Fukino, MD (ED) called the meeting to order at 1435 hrs. He noted that this meeting was called to identify procedures to follow when an exposure happens in the field, what steps need to take place before bringing potential affected persons to the ED. Also, need to ensure that the ED is aware of what is happening in the field once exposure occurs, what / how decon was administered up to entrance in ED.

What we expect when affected employees present to our ED is that they are fully decontaminated individual(s) according to protocol. Decon that takes place outside of the medical facility is important to know so that medical responders can determine if another decon is needed prior to entry to facility.

Decontamination paperwork says 20 minutes of soap, scrubbing, shower; however the impression received when talking with personnel, their impression was that they showered for five to seven minutes. This was the only questionable item. Every step taken with the care of the affected employees prior to arrival at ED worked well – decontaminated staff, donned Tyvek suits, removed them from the environment as fast as you could.

Mr. Uyehara noted the following:

Decontamination supplies stocked in each vehicle for employees. Requirement for each employee in the vehicle is one (1) gallon of water per employee who is transported in vehicle per US Department of Agriculture and Worker Protection Standards. In a situation where all employees in the vehicle are exposed, one gallon of water per person would not be enough to decon those exposed.

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WAIMEA & PORT ALLEN CLINICS, WEST KAUAI CLINIC - KALAHEO P.O. BOX 669 • WAIMEA, HAWAII 96796 • PHONE: (808) 338-8311 • FAX: (808) 338-0225

Depending on situation and circumstances, we may do what we can quickly to decon at site or back at station then travel to KVMH – nearest medical facility.

Dr. Fukino asked about the shower capacity available. Mr. Uyehara indicated that there are three (3) showers in the building where people were cleaned up this time. There are two (2) other actual showers and a few chemical rain showers on site. We chose the showers in the building where those affected were cleaned because those showers were contained. If there was a situation where persons were imminently at risk for exposure, we would use everything on site, including water tanks and hoses on the grass. We would do whatever it took to ensure that the safety of the individuals came first.

Staff entered field that had product application 20 hours prior. Product label specifies 24 hour wait time to entry on field. Because staff entered prior to the 24 hour post application wait time, we treated the potential exposure as we would any other potential exposure.

Question was asked – is the 24 hour wait time after application a standard wait time? Mr. Uyehara noted that the wait time is dependent on the product used. It can range from 0 hours to 72 hours wait time before reentry in to field. The particular product used here had a 24 hour wait time.

Question was asked by EMT – how were staff exposed? Mr. Uyehara explained that some of the staff inadvertently walked into a field that 20 hours ago had product applied to it, from an adjacent field that had no restrictions. The field had signs posted that product application was done (name of product, date, time of application and restricted entry time posted along the boundary). Affected employees were in the restricted field anywhere from 5 to 20 minute. The field supervisor noticed that staff were in a field where the re-entry interval (REI) had not expired yet, at which time decision was made to begin decon procedures which led to this event.

It is an ALL or NOTHING procedure whether exposure is 1 minute to REI expiration or 1 hour or 10 hours to expiration the response will be the same.

Dr. Fukino shared that exposures affecting 1 to 4 people can be accommodated with current staffing; however, in this case, with 10 people affected, it required additional staff to be fully prepared. Suggest affected people come in with a tag noting the class of product exposed to, time of entry, length of exposure, decon start and end time for each individual, etc.

EMTs carry 1 to 2 doses of atropine and maybe 2 more on the shelf (4 doses in supplies).

Mr. Uyehara asked whether KVMH and other key responders would be willing to participate in a Joint Risk Assessment to review exposure risk – who is exposed to the different forms of the product and the amount of time exposed

RECOMMENDATIONS / ACTIONS TAKEN

- 1. Call KVMH Supervisor on duty at 808-645-0296 with situation information as soon as available to ensure medical facility preparedness for potential influx.
- 2. Have an information card attached to each affected person presenting to ED. Card should have the following information:
 - Name of worker
 - Identify type and classification of chemical / pesticide and method of exposure (skin, inhalation, etc.)

- Time of contamination / exposure
- Time of decontamination / shower (start and end)
- Medical treatment / care given, if any
- Symptoms nausea, neurologic changes, headache, etc.
- 3. Keep transport vehicle well ventilated
- 4. Consider OSHA guidelines on site exposures
- 5. Report to OSHA, DOH, etc. for follow-up**Items 3-5 Per Syngenta representatives all part of standard protocol
- 6. Collaborate with other seed companies in area to create standardized information cards for use with affected staff.
- 7. Consider Joint Risk Assessment as suggested by Syngenta



ED Patient Influx (Actual)

Date / Time of Event: January 20, 2016 (1105 – 1430)

Area of Event: Syngenta in Kekaha

Triggering Factors: Pesticide Exposure January 20, 2016 (0815 – 0845)

Details/Actions:

0845 - Phone call received in the ED stating 10 - 12 Syngenta employees were being brought in following exposure to pesticide in one of their fields. Symptoms included nausea & lightheadedness.

- 1105 Richard Moore RN notified Cheryl Tennberg RN, Nursing Supervisor, & Myra Elliott RN, ED/ICU Nurse Manager of the call. Mary Ephan RN, CNE notified of the expected influx of patients. Second HUC called to ED. Carolyn Tschupp RN presented to ED to assist. Call to John Pimental Safety Officer to arrange set-up of wash down area, while Richard called Syngenta to see what had been done on site. All employees had been showered at Syngenta and they were placed in Tyvex suits. Set-up of wash down area cancelled.
- 1110 First 6 patients were brought to the ED by Syngenta staff. Safety Officer presented to ED and was asked to have someone post outside of ED in the event crowd control was needed.
- 1120 Patients being triaged in rooms. Ambulance arrived with an emergency patient. Syngenta employees moved to double up in rooms. Two each Room 1, 3, and 4. Ambulance patient into Room 2.
- 1130 Last 4 patients arrived. Dr. Slagle called to ED to assist.
- 1145 Another ambulance patient arrived and moved to Room 5
- 1200 Dietary asked to send sandwiches and juice for patients

1105 - 1410 - 10 patients were seen; 8	patients were placed in Observation beds; and 2
patients were discharged home	

Participants:

Physicians - Dr. Wayne Fukino ED; Dr. Steven Slagle Hospitalist Administration – Mary Ephan RN, CNE / Command Chief Safety Officer - John Pimental

RNs - Richard Moore RN, ED; Alan Mariano RN, ED; Myra Elliott RN, ED/ICU Manager; Cheryl Tennberg RN, Nursing Supervisor; Carolyn Tshupp RN, Infection Control; Teri Sakai RN, Med Surg Nurse Manager; Allison Garner RN, UR; Leah Aguiling RN, Education; Julie Sommers RN, Education; Marylou Jardin RN, Education Nurse Manager/EMR Support

HUC - Shanna Rivera, ED HUC; Rhonda Lutao, NF HUC

Patient Access - Letisha Pancho

				19	

Debriefing: 1/21/16 0730 (Myra Elliott; Alan Mariano; Richard Moore; Dr. Fukino; Shanna Rivera with add-on recommendations from Mary Ephan and Cheryl Tennberg)

Recommendations:

- 1) Clearer communication drill vs. actual
- 2) Ensure only one person is designated to take charge of the unit
- 3) Alert House Supervisor when call comes in
- 4) Utilize disaster tags on patients or create one to include: name, birthdate, presenting complaint, VS, area for MD to write orders
- 5) Create Disaster Phone Template to be utilized by person receiving call
- 6) Utilize clipboards with downtime forms for incoming patients
- 7) Contact Syngenta representative to discuss possibility of a joint meeting to share information regarding best practices

Completed by: Cheryl Tennberg RN, ADON

January 22, 2016

Forwarded to: Safety Officer; Nursing Administration

Copy: Supervisor's Office

(d) 1 1 e



United States

ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Receipt for Pesticide Use/Misuse Samples

Office of Enforcement and Compliance Assurance

office of Emoleciment and Compliance Assurance				
Facility Name Kavai County Council	Facility Address 4396 Rice St. #209 Lihve, HI 96766			
Name of Facility Official	Title			
Councilmember Gary La Hooser	Cornailmember			

Samples Collected (Assign sample number and describe fully (e.g., product name, size, quantity, registration, establishment, lot, batch, model and/or serial numbers, etc.)) The following pesticide or environmental samples, or both, were collected by the U.S. Environment Protection Agency in connection with the administration and enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act and receipt is hereby acknowledged.

DOCSN 040416001

- 1) Request To Access a Government Record dated 3/15/16
- 2) Influx Chemical Exposure Critique dated 1/22/16
- 3) ED Patient Influx (Actual) Date/Time 1/20/16/1105-1430
- 4) Open Session minutes of the February 2, 2016 and March 1, 2016 meeting(s) of the Kavai Regional System Board of Directors, Hawaii Health Systems Corporation * To be sent by Councilmember Gary L. Hooser,

Facility Official Signature	Date 4/4/16
Duplicate samples requested and provided not requested Amount paid	Cash Credit No Charge
Name of Inspector Scott McWhorter	Title Inspector
Signature of Inspector Such MWhite	Date 4/4/16
Address 75 Hanthorne	